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ABSTRACT

Documents previously announced in Resources in Education (RIE) concern the various controversial areas of student rights and responsibilities, examine trends of recent court decisions, and provide administrators with basic information, suggestions, and examples pertaining to these areas. The index terms used to select the documents are "court cases," "school law," and "student rights." The listing is complete for all issues of (RIE) through July 1975 and contains 63 annotations. (Author/MLF)

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ERIC Abstracts on:

Student Rights and Responsibilities

ERIC Abstracts

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Document

Resumes

on

Student Rights and Responsibilities

Compiled by the
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on Educational Management

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PREFACE

The Educational Resources Information Center (ERIC) is a national information system operated by the National Institute of Education. ERIC serves the educational community by disseminating educational research results and other resource information that can be used in developing more effective educational programs.

The ERIC Clearinghouse on Educational Management, one of several clearinghouses in the system, was established at the University of Oregon in 1966. The Clearinghouse and its companion units process research reports and journal articles for announcement in ERIC's index and abstract bulletins.

Research reports are announced in *Resources in Education (RIE)*, available in many libraries and by subscription for $42.70 a year from the United States Government Printing Office, Washington, D.C. 20402. Most of the documents listed in *RIE* can be purchased through the ERIC Document Reproduction Service, operated by Computer Microfilm International Corporation.

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Besides processing documents and journal articles, the Clearinghouse has another major function—information analysis and synthesis. The Clearinghouse prepares bibliographies, literature reviews, state-of-the-knowledge papers, and other interpretive research studies on topics in its educational area.

The *ERIC Abstracts* series is the result of a cooperative arrangement between the Clearinghouse and the American Association of School Administrators. The Clearinghouse compiles the abstracts from document resumes in *Resources in Education* and the collection is published by the American Association of School Administrators.

Philip K. Piele
Director, ERIC Clearinghouse
on Educational Management

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INTRODUCTION

Since the beginning of ERIC in 1966, more than ninety thousand documents have been announced in ERIC's monthly catalog, *Resources in Education (RIE).* Of the total, about seven thousand documents have been processed by this Clearinghouse. This growing collection is so extensive that it is useful to compile lists of ERIC documents on a number of critical topics in educational management. Published separately, these selected lists of documents make up the *ERIC Abstracts* series.

To compile each list, the *RIE* subject indexes are searched, using key terms that define the topic. The documents are selected on the basis of their currency, significance, and relevance to the topic.

For this compilation on student rights and responsibilities, the index terms used are COURT CASES, SCHOOL LAW, and STUDENT RIGHTS. The documents concern the various controversial areas of student rights and responsibilities, examining trends of recent court decisions, and providing administrators with basic information, suggestions, and examples pertaining to these areas. The listing is complete for all issues of *RIE* through July 1975 and includes documents processed by this and other clearinghouses.

Based on the document resumes in *RIE,* the following information is presented for each document: personal or institutional author, title, place of publication, publisher, publication date, number of pages, ERIC document ("ED") number, price of the document if it is available from the ERIC Document Reproduction Service, and the abstract. The documents are listed alphabetically by author and are numbered.

A subject index, beginning on page 25, refers to the document listing number. The subject terms, arranged in alphabetical order, are identical to those contained in the subject index of *RIE.*

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1. Alexander, Kern, and Jordan, K. Forbis. *Legal Aspects of Educational Choice: Compulsory Attendance and Student Assignment. ERIC/CEM-NOLPE Monograph Series on Legal Aspects of School Administration.* Topeka, Kansas; and Eugene: National Organization on Legal Problems of Education; and ERIC Clearinghouse on Educational Management, University of Oregon, 1973. 82 pages. ED 082 273 MF $0.76 HC $4.43. (Also available from National Organization on Legal Problems of Education, 825 Western Avenue, Topeka, Kansas 66606. $1.00.)

   In this monograph, the author examines the often controversial area of compulsory attendance—its philosophy and implementation. Through various case histories, the state's power versus the fundamental rights of individuals is studied at length. Litigations are reviewed in which a three-way balance was sought among the state's interest, the child's interest, and the parents' interest. Statutory provisions affecting school attendance and student assignment and placement are outlined, and early compulsory attendance laws are examined to illustrate the progression toward achieving this balance. Tables and appendixes enable the reader to compare the approaches of the various 50 states to the subject of compulsory attendance, revealing the existence or nonexistence of such laws, and listing the penalties for noncompliance where such laws are in effect. Alternatives and exemptions to compulsory attendance are also discussed. In this area, the historic *Wisconsin v. Yoder* case is reviewed—a litigation in which Amish parents successfully contested the state's power to require the school attendance of their children past the eighth grade. Cases involving similar exemptions because of religion, marriage, mental or physical incapacity, distance from school, or work permits are also studied in detail.

2. Apperson, Ron. "Inconsistencies in Federal Court Decisions Affecting Education." Speech presented at American Association of School Administrators annual convention, Atlantic City, February 1974. 16 pages. ED 087 108 MF $0.76 HC $1.58.

   The author picks two areas in which there has been recent litigation—decisions affecting freedom of speech, and court decisions interpreting the establishment of religion and the free exercise clauses of the First Amendment. In the freedom of speech area, the author examines the effect of recent court decisions on underground student newspapers. He concludes that the discernible trend of court decisions on underground newspapers is toward increased student rights and responsibility. In both areas, the author points out apparent conflicts among court decisions and explains how these decisions might be interpreted to resolve the conflicts.

3. Buss, William G. *Legal Aspects of Crime Investigation in the Public Schools. ERIC/CEM-NOLPE Monograph Series on Student Control and Student Rights.* Topeka, Kansas; and Eugene: National Organization on Legal Problems of Education; and ERIC Clearinghouse on Educational Management, University of Oregon, 1971. 80 pages. ED 056 404 MF $0.76 HC $4.43.

   This monograph summarizes methods used to investigate and prevent crime in school, sketches possible legal claims that students might make as a result of these approaches

to inschool crime prevention, and, in an extensive analysis of five court cases, gives particular attention to the legal issues related to searches of student lockers by school law enforcement authorities.

4. Butler, Henry E., Jr., and others. *Legal Aspects of Student Records. ERIC/CEM-NOLPE Monograph Series on Student Control and Student Rights.* Topeka, Kansas; and Eugene: National Organization on Legal Problems of Education; and ERIC Clearinghouse on Educational Management, University of Oregon, 1972. 70 pages. ED 065 911 MF $0.76 HC $3.32.

   In this monograph, the authors examine the area of student records by researching the history, analyzing the case law, and interpreting the statutes in this sensitive field. They discuss the conflict between the student's right to privacy and the public's right to know, and suggest a workable solution. After reviewing the history of the right to privacy, the authors analyze constitutional and statutory provisions, legal cases, and state board of education rules to determine the legal principles that govern the inspection, copying, and expunging of student records. The appendixes provide (1) a graphic presentation comparing state and federal constitutions insofar as those documents apply to the individual's privacy, (2) an up-to-date statutory bibliography of state statutes, and (3) a tabular summary of state department of education rules concerning student records.

5. Collings, Gary D., and Singletary, Ernest E. "Research Bulletin: Case Law and Education of the Handicapped." Gainesville: Florida Educational Research and Development Council. *FERDC Bulletin*, 8, 3 (Summer 1973). 53 pages. ED 085 856 Document not available from EDRS. (Available from W. F. Breivogel, Executive Secretary, Florida Educational R & D Council, University of Florida, Gainesville, Florida 32611. $1.00.)

   Public education in American society has been established on the premise that all children and/or youth should be afforded an appropriate education at public expense. Only in recent history has the concept of "all" been extended to the handicapped and other minority groups in a comprehensive interpretation. This report contains summaries of adjudicated cases and other pertinent materials drawn from professional texts, journals, and law reviews concerning the education of the handicapped. Separate chapters deal with the right to an education; testing, labeling, and placement; commitment and treatment; and administration.

6. Department of Health, Education, and Welfare. "Privacy Rights of Parents and Students." Washington, D.C.: Office of the Secretary, 1975. *Federal Register*, 40, 3 (January 6, 1975), pp. 1208-1216. 11 pages. ED 099 993 MF $0.76 HC $1.58.

   This portion of the *Federal Register* states the proposed requirements of section 438 of the General Education Provisions Act. This section deals with the privacy rights of parents and students. The statute provides parents of students with access to official records directly related to the students and with an opportunity for a hearing to challenge such records on the gounds that they are inaccurate, misleading, or otherwise inappropriate. Institutions must obtain the written consent of parents before releasing

personally identifiable data about students to other than a specified list of exceptions. Further, parents and students must be notified that these rights exist, that these rights transfer to the students at certain points, and that an office and review board must be established in the Department of Health, Education, and Welfare to investigate and adjudicate violations of and complaints about this statute.

7. Dobb, Heather Sidor. *Codes of Student Discipline and Student Rights. An ERS Report.* Washington, D.C.: Educational Research Service, 1975. 41 pages. ED number not yet assigned. Document not available from EDRS. (Available from Educational Research Service, Inc., 1815 North Fort Myer Drive, Arlington, Virginia 22209. $6.00, payment must accompany orders of less than $10.00.)

   This report is intended to serve school administrators by providing basic information, positive suggestions, and examples pertaining to student codes. It presents findings of a recent inquiry regarding written codes of student discipline and replicates examples of selected codes. Seventy-six percent of the 538 responding school systems indicated that they have developed written codes of discipline for secondary level pupils. Large districts (enrollments of 25,000 or more) were the most likely to have such codes; very small districts (enrollments of 200-2,999), were the least likely. Written codes of student rights were much less prevalent; 34 percent of all respondents reported having a written code of student rights. The examples of written codes of student discipline and rights were drawn from the codes of school districts in ten different states.

8. ERIC Clearinghouse on Educational Management. *Student Rights and the Courts. The Best of ERIC, Number 9.* Eugene: University of Oregon, 1975. 5 pages. ED 105 547 MF $0.76 HC $1.58. (Also available from ERIC/CEM, University of Oregon, Eugene, Oregon 97403. Free.)

   This annotated bibliography includes some of the most recent material on the legal aspects of student rights, especially the constitutional issues that remain unresolved. Many of the articles summarized deal with the relationship between the schools and the courts–a relationship that is constantly being redefined with new court decisions affecting school policy. Fourteen documents and journal articles indexed in *Resources in Education* and in the *Current Index to Journals in Education* are annotated.

9. Flygare, Thomas J. "Administrative and Judicial Remedies for Students: The Matter of Short-Term Suspensions." Chapter 22 in *Current Trends in School Law.* (Papers presented at National Organization on Legal Problems of Education annual meeting, San Francisco, November 1973.) Topeka, Kansas: National Organization on Legal Problems of Education, 1974. 24 pages. ED 090 638 Document not available from EDRS. (Complete document available from National Organization on Legal Problems of Education, 825 Western Avenue, Topeka, Kansas 66606. 309 pages. $4.95.)

   Although it is well settled that a student may not be expelled without a prior hearing, principals in many localities are authorized by statute or board rules to suspend students for periods ranging from one to ten days or more without notice, hearing, or any of the other trappings of due process. Such suspensions are subject to challenge

under the due process clause of the Fourteenth Amendment. This paper studies these challenges as a problem of judicial intervention in the school administrative process. The approach taken is to examine the constitutional arguments under due process available to students in short-term suspension cases and the method by which the courts analyze these arguments, and to review recent suspension cases in an effort to identify the specific elements of procedural due process that must—or should—be provided prior to short-term suspensions.

10. Franke, Allyn J. "Tort Liability and School Transportation." Speech presented at National Safety Congress and Exposition, Chicago, October-November 1973. 11 pages. ED 084 637 MF $0.76 HC $1.58.

    School districts, school employees, bus companies contracted by districts, and bus company employees could be involved in court litigation over student injury and student civil rights related to school bus transportation. Civil rights insurance should be added to general liability insurance and motor vehicle liability insurance. Students must be accorded due process in disciplinary proceedings, and school districts must recognize potential liability situations and notify their insurance carrier. To provide maximum protection, the school board and the bus company must both keep student disruptive activity to a minimum and deal firmly with it. The evidence to support the ousting of a student from riding the school bus must be substantial and well documented.

11. George Washington University. "Suing the Schools for Fraud: Issues and Legal Strategies. Transcript of a Conference: Fraud in the Schools." Papers presented at Educational Staff Seminar, Washington, D.C., March 1973. Washington, D.C.: Institute for Educational Leadership. 150 pages. ED 084 668 MF $0.76 HC $6.97.

    On November 20, 1972, a complaint was filed by Suzanne Martinez of the Youth Law Center against the San Francisco Unified School District and others on behalf of an 18-year-old plaintiff, identified as Peter W. Doe. Peter Doe had graduated with average grades, had never encountered serious disciplinary problems, and had maintained a regular attendance. Reading specialists who examined the plaintiff after his graduation from high school indicated that he was reading at the fifth grade level. The plaintiff later subscribed to reading tutoring and made significant progress. The complaint presented nine legal grounds of school district liability in the four general areas of negligence, misrepresentation, breach of statutory duties, and constitutional deprivation of right to education. At the conference recorded here, Ms. Martinez and a number of educational experts discussed the case and its implications for the future of litigation in this area.

12. Glasser, Ira, and Levine, Alan. *New York Civil Liberties Union Student Rights Project Report on the First Two Years, 1970-1972.* New York: New York Civil Liberties Union, 1972. 92 pages. ED 073 524 MF $0.76 HC $4.43.

    This report (1) describes how the project disseminated information about student rights through a student rights handbook, a student rights news service, and speaking

engagements; (2) outlines the nature of project services that help students obtain their rights; (3) describes procedures for enforcement of student rights; (4) discusses school rights as they were affected by selected areas of school administration; and (5) describes legal and administrative actions the project has pursued in redressing wrongs of particular students.

13. Goldstein, Stephen R. "Pupils." Chapter 3 in *The Yearbook of School Law 1973,* edited by Robert E. Phay, pp. 51-88. Topeka, Kansas: National Organization on Legal Problems of Education, 1973. 45 pages. ED 088 231 Document not available from EDRS. (Complete document available from National Organization on Legal Problems of Education, 825 Western Avenue, Topeka, Kansas 66606. 259 pages. $7.95.)

    In 1972, student rights remained a major subject of litigation, although only a few new issues emerged in that area. The courts continued to disagree and reaffirmed their views on student expression in school and on procedural standards for student discipline. However, 1972 saw important new or renewed developments in several other areas of the law concerning pupils. These developments included the educational rights of those who are alleged to be mentally retarded or otherwise mentally handicapped, the rights of girls, and the separation of students in school and school activities on the basis of sex. This last area focused primarily on extracurricular activities and was, therefore, also a part of another major legal issue of 1972—the legal status of extracurricular activities and particularly the rule-making power of interscholastic athletic associations and individual schools. If one theme seems to run through these 1972 cases, from many different jurisdictions, it is a judicial concern with the exclusion of groups—for example, the mentally retarded, girls, and married students—from school or school activities. This chapter, one of seven in the *1973 Yearbook of School Law,* explores these and other questions in summarizing and discussing the cases that relate directly to pupils' rights and responsibilities.

14. Goldstein, Stephen R. *Law and Public Education: Cases and Materials. Contemporary Legal Education Series.* Indianapolis: Bobbs-Merrill Company, 1974. 944 pages. ED 102 662 Document not available from EDRS. (Available from Bobbs-Merrill Company, Inc., Law Division, 4300 West 62nd Street, Indianapolis, Indiana 46206. $18.50.)

    This book is intended to serve either as a general introduction to the broad area of educational law for students without previous exposure to the subject or as a tool for more advanced students seeking to focus on a particular area of the law as it applies to public education. Although its emphasis is primarily legal, the book also contains historical, pedagogical, economic, and other material necessary for full understanding and analysis of the subject matter. Cases and other materials have been included in unusually full versions to avoid the loss of important complexities, ambiguities, and nuances of meaning. Major topics of discussion include the history and background of American public education; universal and compulsory education; curriculum determination; the testing, grouping, and grading of students; school control of general student conduct and status; the constitutional problems of control of expression in

school; sanctions for breaches of rules; enforcing student conduct and status rules; racial segregation in the public schools; financing bilingual education and special education; school governance; and alternatives to public education. A separate alphabetical index to all cases referred to throughout the book is included.

15. Gottesman, Roberta. "Due Process: Are We Going Too Far?" Chapter 11 in *Current Trends in School Law.* (Papers presented at NOLPE annual meeting, San Francisco, November 1973.) Topeka, Kansas: National Organization on Legal Problems of Education, 1974. 6 pages. ED 090 627 Document not available from EDRS. (Complete document available from National Organization on Legal Problems of Education, 825 Western Avenue, Topeka, Kansas 66606. 309 pages. $4.95.)

    School authorities will have to yield some of their discretionary power in disciplining students in cases that merit a hearing. What must be aimed at is a more equitable balancing of the interests of all the parties involved. The school's interest in using disciplinary measures is to prevent the interruption of the normal school routine. The teacher's interest is to use discipline to enable him to carry out his lesson plan. The student's twofold interest in disciplinary measures is that discipline be enforced so that his interest not be interrupted and that discipline be meted out fairly. These interests of the school, the teacher, and the student must be weighed carefully before determining whether due process has gone too far.

16. Haney, Gerald L. *Student Relationships Ethical and Legal Implications.* Topeka, Kansas: Guidance and Pupil Personnel Services Section, Kansas State Department of Education, 1971. 37 pages. ED 096 564 MF $0.76 HC $1.95.

    Due process, legal rights, invasion of privacy, right-to-decide, majorities, minorities, pressure groups, individual egos, domain building, selfishness, ignorance, and incompetency are only a few of the considerations facing educators today. School boards, administrators, teachers, support-personnel, and others who come in contact with student populations are faced with a mass of confusion in decision-making in matters dealing with teaching, discipline, control, safety records, and many other concerns that might cause misunderstanding and/or legal complications. This article discusses the many and varied ethical and legal ramifications implicit in student relationships.

17. Hapkiewicz, Walter G. "Research on Corporal Punishment Effectiveness: Contributions and Limitations." Paper presented at American Educational Research Association annual meeting, Washington, D.C., March-April 1975. 9 pages. ED 102 739 MF $0.76 HC $1.58.

    A review of research literature on corporal punishment reveals that the incidence of corporal punishment has increased over the last twenty years and that it is widely used in some local school districts. Because it is limited by ethical problems, research cannot answer many questions about the direct and indirect effects of corporal punishment. The incidence of corporal punishment and the absence of research evidence suggest that the justification for corporal punishment may come from such areas as religious beliefs and court decisions.

18. Henning, Joel F. "Learning About Justice and How to Achieve It." Chapter 2 in *Current Trends in School Law.* (Papers presented at NOLPE annual meeting, San Francisco, November 1973.) Topeka, Kansas: National Organization on Legal Problems of Education, 1974. 13 pages. ED 090 618 Document not available from EDRS. (Complete document available from National Organization on Legal Problems of Education, 825 Western Avenue, Topeka, Kansas 66606. 309 pages. $4.95.)

    Schools provide neither understanding and skill in the process of social scientific inquiry nor the ability to analyze political decisions and values. They also fail to develop within students an understanding of the capacities and skills needed to participate effectively and democratically in politics. To remedy some of these weaknesses, the movement for law studies in the schools is already underway and may succeed. The American Bar Association Special Committee on Youth Education for Citizenship has helped to initiate or sustain over 200 law-related education projects throughout the United States. Materials emphasizing a case method approach are available in quantity for upper elementary grades and high school level courses. Audiovisual materials and innovative teaching techniques have already been developed for lower elementary grades. In these materials, basic concepts of law such as fairness, honesty, authority, and responsibility are approached in much the same way as they are in the upper grades and in law schools.

19. Hurwitz, Howard L. *The Principal, School Discipline, and the Law.* Brooklyn, New York: Council of Supervisors and Administrators of the City of New York, 1974. 29 pages. ED 098 664 MF $0.76 HC not available from EDRS. (Available from Council of Supervisors and Administrators, 186 Joralemon Street, Brooklyn, New York 11201. $1.00, checks payable to CSA-Booklet.)

    This booklet expresses hope that principals' capacity for the reasonable exercise of authority has not been exhausted. A body of legal opinion supports the authority of the principal in disciplinary matters. It is a misconception that a student is deprived of his rights if, as an outcome of an administrative hearing, he is suspended from school or denied further public education. The courts are far from committed to the doctrine that each and every disciplinary decision is subject to trial; the courts do not always see the principal as an adversary in his relationship with students. In the sections on due process, suspensions, free speech, free press, respect for the flag, personal appearance, and searches and seizures, the author suggests that fairness, common sense, and experience remain the staples in school discipline. The courts have not enjoined principals from acting on the belief that parents send children to school to learn and that no learning can be carried on where some students are permitted to prevent others from learning.

20. Johnson, Donald V. "Student Disciplinary Codes—What Makes Them Tick." Paper presented at National Association of Secondary School Principals annual conference, Dallas, February 1973. 8 pages. ED 078 579 MF $0.76 HC $1.58.

    The author describes how one school developed discipline guidelines with the cooperation of staff, parents, and students. Due-process procedures, types of discipline, and an

alternative out-of-school program for adjustment students (those who have experienced chronic or serious disciplinary problems in the school) are described.

21. Jones, J. William. *Discipline Crisis in Schools: The Problem, Causes and Search for Solutions. Education U.S.A. Special Report.* Arlington, Virginia: National School Public Relations Association, 1973. 67 pages. ED 082 363 MF $0.76 HC not available from EDRS. (Available from National School Public Relations Association, 1801 North Moore Street, Arlington, Virginia 22209. Stock No. 411-13445. $4.75, prepayment requested.)

    Statistics bear out comments by concerned administrators that teachers across the nation are working in a state of fear, at times subjected to assaults, harassment, intimidation, and rape; and that unlawful and violent acts by students on campuses have occurred with so much more openness and defiance than in the past that the physical safety of individual students is in jeopardy. This report explores the causes of this breakdown in discipline and discusses conflicting viewpoints on what to do about the problem, including whether or not corporal punishment should be permitted. It also examines what courts have said about discipline. In discussing solutions to the problem, the report examines the use of drugs to control hyperactive children and provides guidelines for teachers and parents.

22. Khanlian, John F. *Juvenile Justice.* Pitman, New Jersey: Institute for Political/Legal Education, 1974. 189 pages. ED 099 282 Document not available from EDRS. (Available from Institute for Political/Legal Education, P.O. Box 426, Glassboro Woodbury Road, Pitman, New Jersey 08071. $5.00.)

    This curriculum manual provides information, raises issues and questions of controversy, and suggests certain learning activities that will acquaint high school students with the law as it affects their lives both in school and in the community. Questions discussed in the section called Youth in School include truancy, freedom of expression, personal appearance, and due process. Topics discussed under Juveniles and the Law include the juvenile court and other aspects of juvenile justice. A third section approaches the underlying principles of authority and respect upon which the justice system rests and delves into ways of changing the system. Concentration on New Jersey laws does not preclude the manual's usefulness in other states.

23. Kirp, David L., and Yudof, Mark G. *Educational Policy and the Law: Cases and Materials.* Berkeley, California: McCutchan Publishing Corporation, 1974. 749 pages. ED 089 393 Document not available from EDRS. (Available from McCutchan Publishing Corporation, 2526 Grove Street, Berkeley, California 94704. $17.50.)

    During the past two decades, lawmakers have reshaped the realm of educational policy. Courts have reviewed a wide range of issues that historically have been resolved by school administrators and boards of education. New mandates have also emerged from Congress and state legislatures. This casebook examines that emergent law and attempts to assess its impact on American schooling policy and practice. This volume is not a traditional "school law" book. It does not treat "the law" as an isolated

entity, but rather focuses on the interaction between legal decisions and educational practice. It borrows liberally from social science sources to afford greater understanding of the problems that become legal issues. It identifies factors that promote present patterns of behavior and looks at the institutional and social demands that the behavior satisfies. Social science material is also used to assess the effects—negative and positive—of legal change. Sufficient material on the techniques of legal analysis is included so that the person unschooled in the law can read finely nuanced court decisions and statutes with some confidence. To the law student, this approach provides at least a rudimentary sense of the educational policy issues that the law reaches.

24. Kleeman, Richard P. *Student Rights and Responsibilities: Courts Force Schools To Change. An Education U.S.A. Special Report.* Washington, D.C.: National School Public Relations Association, 1972. 67 pages. ED 071 171 MF $0.76 HC not available from EDRS.

    This report examines some of the changes taking place in the schools as a result of a growing recognition by the courts, as well as by parents and educators, that "students are persons." The author discusses recent developments affecting student rights, student responsibilities, and student participation in school governance. Included are students' rights to freedom of speech and due process, freedom from unreasonable searches and seizures, the right of privacy as it affects student records, and the rights of pregnant and married students. Appendixes contain (1) tables showing state action affecting student rights, (2) a copy of the Maryland ACLU bill of rights, (3) sample local policies, and (4) sample dress codes.

25. Larson, A. William. "Making Student Rights and Responsibilities Meaningful." Paper presented at American Association of School Administrators annual convention, Atlantic City, February 1974. 12 pages. ED 087 129 MF $0.76 HC $1.58.

    Awareness of, and accord with, the requirements of the law are only part of the process of making rights and responsibilities meaningful. Sensitive, forward-looking school administrators should move to eliminate a potential cause of future disruptions, with attendant confrontation politics, by establishing procedural due process (PDP for students), thereby giving real meaning to the professed commitment to the rights embraced in substantive due process. The full flowering of student rights will lead inevitably to recognition of, and reaction to, student responsibilities. The concept implied is that students have the right to participate in the development of a code of conduct that spells out both rights and responsibilities. Meaningful student responsibilities will depend upon meaningful educational programs conducted by well-qualified teachers under the direction of competent administrators.

26. Long, Thomas E., and Hudson, George R., editors. *Shared Responsibility in Student Record Keeping and Dissemination.* State College, Pennsylvania: Counselor Education Press, 1973. 53 pages. ED 080 931 MF $0.76 HC $3.32.

    This monograph presents three papers that examine policy questions and the conflict inherent in safeguarding individual rights to privacy and the management of pupil

records. The first paper discusses the Russell Sage document that outlines guidelines for the collection, maintenance, and dissemination of pupil records. To reduce the legal vulnerability of the school in the matter of student records, the document recommends informed consent from parents and pupils, verification of accuracy, limited access, selective discard, and appropriate use of information about students. The second paper deals with problems associated with school records and shared responsibility for student records between public secondary and public postsecondary schools. The third paper addresses itself to "in loco parentis" and student records in shared responsibility situations between secondary schools and institutions of higher education. The monograph concludes with the presentation of specific guidelines for use in shared student records alliances.

27. Michigan State Department of Education. *A Recommended Guide to Students' Rights and Responsibilities in Michigan.* Lansing, Michigan: 1974. 40 pages. ED number not yet assigned. MF $0.76 HC not available from EDRS.

    These guidelines describe areas of concern as indicated by recent litigation questions received from local school districts, and complaints received from parents and students. They also present, as a frame of reference, the status of current school law, where and as it applies to the area of students' rights and responsibilities. The document is divided into five major sections: (1) background information and the purpose and need for such a document, (2) aspects of current law and practices relative to student behavior, (3) specific student behavior in terms of rights and responsibilities, (4) suspension of students along with guidelines for procedural due process, and (5) summary of the document with requests for continual review and reevaluation.

28. Minnesota State Department of Education. *Guidelines for the Collection, Maintenance, and Release of Pupil Records.* St. Paul: 1974. 6 pages. ED 102 699 MF $0.76 HC $1.58.

    The Minnesota State Department of Education has analyzed the issues related to pupil records, defined these issues, and established guidelines that will assist school boards and administrators in the formulation of school policies regarding pupil records. This publication consciously adjudicates between the various potentially conflicting interests of parents, students, administrators, teachers, counselors, employers, and researchers. Court cases are few, but the trend toward litigation is increasing. Because law undergoes change and interpretation, this publication should serve only as a guide rather than as a definitive statement of the law on pupil records.

29. National Association of Secondary School Principals. *The Regulation of Student Hair Styles. A Legal Memorandum.* Washington, D.C.: 1969. 5 pages. ED number not yet assigned. MF $0.76 HC not available from EDRS. (Available from National Association of Secondary School Principals, 1904 Association Drive, Reston, Virginia 22091. $0.25, quantity discounts, payment must accompany orders of $10.00 or less.)

    The courts will entertain an action to consider the propriety of the suspension or expulsion of a student based on the student's hairstyle. The promulgator of the

regulation, be it the principal or the board of education, bears a heavy burden of justification for the rule. The two recognized factors that might sustain a hairstyle regulation are (1) protection of the health and welfare of the individual student, and (2) the need to prevent disruption that would directly interfere with the educational process. Unless one or both of these factors is present, it is likely that a court will not sustain a regulation of hairstyle or hair length.

30. National Association of Secondary School Principals. *The Confidentiality of Pupil School Records. A Legal Memorandum.* Washington, D.C.: 1971. 7 pages. ED number not yet assigned. MF $0.76 HC not available from EDRS. (Available from National Association of Secondary School Principals, 1904 Association Drive, Reston, Virginia 22091. $0.25, quantity discounts, payment must accompany orders of $10.00 or less.)

    Court decisions generally establish the right of students and parents to have access to confidential pupil records. In general, common law gives persons with a "real interest" (such as parents) the right to inspect student records. This doctrine is supported by the ruling in *Marmo v. New York City Board of Education* that an individual charged with a crime may inspect school records to determine the names and addresses of high school classmates, and by the decision in *Creel v. Brennan et al.* that an unsuccessful college applicant may view the materials submitted by his high school to ensure that he is not misrepresented by unfair or malicious evaluations. However, *Einhorn et al. v. Maus et al.* sustained high school officials' right to release to colleges and universities pupil records relating to nonacademic matters, and the court in *People v. Russel* ruled that college authorities may restrict public circulation of some school records. *Wagner v. Redmond* and *King v. Ambellan* established the right of school board members to inspect student records where "sufficient interest" is shown. Personnel records appear to have a different status; the court in *Board of Trustees of Calaveras Unified School District v. Leach* ruled that they are not considered public, even to the personnel themselves.

31. National Association of Secondary School Principals. *Student Publications. A Legal Memorandum.* Washington, D.C.: 1971. 7 pages. ED number not yet assigned. MF $0.76 HC not available from EDRS. (Available from National Association of Secondary School Principals, 1904 Association Drive, Reston, Virginia 22091. $0.25, quantity discounts, payment must accompany orders of $10.00 or less.)

    This report examines a number of court cases involving the production and distribution of various publications by high school students. In *Scoville v. Board of Education of Joliet Township High School District 204,* the court ruled that the content of student publications may be regulated only when the administrator acts upon "a reasonable forecast of a substantial disruption of school activity." In *Schwartz v. Schuker* and *Katz v. McAulay,* the courts ruled that appropriate disciplinary action may differ for college students and high school students. In *Riseman v. School Committee of the City of Quincy,* the court ruled that students may distribute publications in school buildings in an "orderly and not substantially disruptive" way, outside of classes or study periods. However, the court also supported the principal's authority to regulate the

time, place, and manner of distribution. Student publications guidelines from the New Jersey commissioner's decision, *Goodman v. Board of Education*, are presented to aid school administrators in establishing or modifying their own regulations.

32. National Association of Secondary School Principals. *Search and Seizure: Right to Privacy. A Legal Memorandum.* Washington, D.C.: 1973. 7 pages. ED number not yet assigned. MF $0.76 HC not available from EDRS. (Available from National Association of Secondary School Principals, 1904 Association Drive, Reston, Virginia 22091. $0.25, quantity discounts, payment must accompany orders of $10.00 or less.)

    Although the law generally allows administrators to search lockers, this should not be viewed as a carte blanche right. Students do have some ownership rights, particularly with regard to other students. School officials are charged by the state with operating the schools and safeguarding the health, welfare, and safety of students and school personnel; therefore, when the presence of drugs, weapons, or other dangerous materials is suspected, the principal has not only the right but the duty to make a thorough investigation. Fishing expeditions as a matter of school policy are not advised. A general search of all lockers in reaction to a bomb threat or widespread drug abuse can be justified as a proper exercise of school authority. A search, of course, may be made by a police officer with a valid warrant or in connection with a valid arrest. If police are involved, however, parents should be notified and the principal or another school official should be present at the time of the search. In all instances, a complete report of the incident, including names of witnesses and other pertinent information, should be recorded immediately. One suggestion that can be drawn from these cases is that a school should publicize its locker policy.

33. National Association of Secondary School Principals. *Student Marriage and Pregnancy. A Legal Memorandum.* Washington, D.C.: 1973. 7 pages. ED number not yet assigned. MF $0.76 HC not available from EDRS. (Available from National Association of Secondary School Principals, 1904 Association Drive, Reston, Virginia 22091. $0.25, quantity discounts, payment must accompany orders of $10.00 or less.)

    The following guidelines emerge from recent court decisions: (1) the right to an education is a fundamental property right not to be denied unless an overriding public interest is served; (2) marriage is not sufficient grounds for exclusion of a student from regular academic or extracurricular activities; and (3) pregnancy, whether the girl is married or unmarried, does not appear to be sufficient grounds for exclusion from the regular academic curriculum and probably even extracurricular activities. In the case of a pregnant student, any exclusion from activities or curriculum should be based on immediate concern for the student and the unborn child. A physician should be allowed to determine the extent of academic and extracurricular participation, with mutual agreement, if possible, of the student and her parents. Schools can exclude married and/or pregnant students from regular attendance at school or participation in extracurricular activities only under the burden of proof to show that the student in question is immoral, causes substantial disruption in the school operation, or presents a clear and present danger to the health, welfare, and safety of other students.

34. National Association of Secondary School Principals. *The Changing Age of Majority. A Legal Memorandum.* Washington, D.C.: 1974. 7 pages. ED 099 996 MF $0.76 HC not available from EDRS. (Available from National Association of Secondary School Principals, 1904 Association Drive, Reston, Virginia 22091. $0.25, quantity discounts, payment must accompany orders of $10.00 or less.)

Since 1751 the age of 21 has been generally accepted as the age of legal majority in America. Since 1970, however, 42 states have lowered the age to 18 or 19 for most purposes, and the Twenty-sixth Amendment to the Constitution lowered the age for voting in federal elections to 18. The new statutes will have wide impact on legal affairs. In particular, the ability of young adults to make binding contracts and the legal responsibility parents have for their children will be significantly changed. Even though most secondary school students are under 18 and most school rules do not depend on the age of students, the new statutes will affect secondary school administrators in several ways. In many states, students over the age of majority will be able to establish a legal residence separate from their parents. Adult students will also have the right to view their school records and to prevent their parents from viewing many of them. In most cases school administrators will no longer be able to require parental consent or permission forms for students past the age of majority. Other areas of concern will undoubtedly become apparent as the courts rule on specific legal questions.

35. National Association of Secondary School Principals. *Student Discipline, Suspension and Expulsion. A Legal Memorandum.* Washington, D.C.: 1975. 9 pages. ED number not yet assigned. MF $0.76 HC not available from EDRS. (Available from National Association of Secondary School Principals, 1904 Association Drive, Reston, Virginia 22091. $0.25, quantity discounts, payment must accompany orders of $10.00 or less.)

In *Goss v. Lopez* and *Wood v. Strickland,* the U.S. Supreme Court spelled out what due process means as it applies to suspension and expulsion of public school students. In *Goss v. Lopez,* the Court decided that a student who is suspended for up to ten days without a hearing is entitled to due process of law: "students . . . must be given some kind of notice and afforded some kind of hearing. . . . In most cases, the disciplinarian may informally discuss the alleged misconduct with the student minutes after it has occurred." The Court also emphasized that "longer suspensions or expulsions . . . may require more formal procedures." In *Wood v. Strickland,* the Court ruled that, although school board members are entitled to a "qualified" privilege against damages for wrongful acts committed while acting in good faith, they are not protected against damages if they knew, or reasonably should have known, that their actions would violate the constitutional rights of a student. However, the Court stressed that a mere mistake in carrying out his duties should not make a board member liable. Furthermore, the Court stated, "It is not the role of the federal courts to set aside decisions of school administrators which the court may view as lacking a basis in wisdom or compassion."

36. National Education Association. *Student Displacement/Exclusion: Violations of Civil and Human Rights. Report of the Eleventh National NEA Conference on Civil and Human*

Rights in Education. Washington, D.C.: 1973. 58 pages. ED 094 086 MF $0.76 HC not available from EDRS. (Available from National Education Association Publications, Order Department, The Academic Building, Saw Mill Road, West Haven, Connecticut 06516. $1.50.)

Students, community representatives, members of government and civil rights agencies, and 700 educators attended the 11th National Education Association conference on civil and human rights in education. These participants carefully examined the ways school boards and other administrative powers infringe on and arbitrarily ignore the rights of students. The conference participants were looking for ways to prevent administrative powers from acting arbitrarily and maliciously toward students in their suspension and expulsion policies. The participants looked at creative and productive ways to demonstrate the pupil's right to attend school, to receive an education, to have the protection of the courts, and to receive due process. The conference participants also explored methods for building into school board policies the pupil's right to adequate notice of a violation and to an appropriate hearing regarding the charges. Students, as citizens, are protected by the First and the Fourteenth Amendments. We must assure due-process rights for students by suggesting, recommending, and demanding that those in positions of power correct the evils that presently exist in student displacement/exclusion.

37. National School Public Relations Association. *Emerging Rights of Students: The Minnesota Model for a Student Bill of Rights.* Arlington, Virginia: [1975]. 19 pages. ED 102 658 MF $0.76 HC $1.58. (Also available from National School Public Relations Association, 1801 North Moore Street, Arlington, Virginia 22209. Stock No. 415-14151, minimum order 12 copies for $8.00, payment must accompany order.)

This booklet presents a comprehensive set of guidelines intended to assist local school boards, administrators, and teachers in establishing their own policies governing the rights and responsibilities of students. The primary objectives of the model are to ensure policies that facilitate consistent treatment of all students, the "fairness" or "reasonableness" required by the U.S. Constitution, an atmosphere of open communication and clearly understood rules, and behavior that enables both school staff and students to develop to their fullest potential. Although the guidelines were developed specifically for Minnesota schools, the laws and educational practices they reflect are generally applicable in other states as well. Topics covered by the guidelines include age of majority; alcohol, drug abuse, and venereal disease; appearance; assembly and meetings; attendance; freedom of expression; corporal punishment; handicapped students; locker and personal searches; marriage, pregnancy, and parenthood; student records; use of tobacco; and suspension, expulsion, and exclusion.

38. Nolte, M. Chester. "Due Process for Students, Teachers and Administrators in Suburban School Districts." Paper presented at American Association of School Administrators National Conference for Suburban Superintendents, Denver, July 1973. 21 pages. ED 081 102 MF $0.76 HC $1.58.

In this paper, the author defines due process, discusses its elements, describes its

minimum essentials, and examines court cases that apply the doctrine to teachers, administrators, and students. The court cases discussed by the author indicate situations in which due process is mandated and the extent of due process required in these situations. According to the report, an accused is due notice of his shortcomings and an opportunity to appear and to face his accusers. Further, the accused, in most instances, is entitled to counsel, to a fair and impartial hearing, and to the right to appeal his case to other authority.

39. Nolte, M. Chester. "Due Process and Its Historical Development in Education." Paper presented at National Academy of School Administrators seminar, Denver, April 1974. 16 pages. ED 088 186 MF $0.76 HC $1.58.

Due process of law has never been defined by the Supreme Court in so many words, the Court choosing to define that term on an inclusion/exclusion basis as it goes along. The author traces the historical development of the due-process concept, and discusses cases where due process has affected the rights of those involved in the educational process. The author notes that the most pressing problems coming up that involve due process of law are of two varieties: (1) those in which students claim lack of due process where punishments and expulsions are involved; and (2) those in which the classification systems used by schools to group children for instructional and other purposes are being challenged.

40. Nolte, M. Chester. "The Legal Status of School Administrators: Rights and Responsibilities." Paper presented at North Central Association of Colleges and Schools annual meeting, Chicago, April 1975. 18 pages. ED 102 651 MF $0.76 HC $1.58.

A school administrator plays many roles in the course of his work, and his legal rights and responsibilities vary considerably depending on the particular role he is playing. Actions that might be considered legal or even desirable in one context might make an administrator liable to litigation in another context. A court's perception of the role an administrator is playing at a given moment often makes a crucial difference. At various times a school administrator plays such roles as school district employee, director of personnel, executive assistant to the school board, school business manager, and protector of students' rights. Because each of these roles is generally covered by a well-settled body of law, it is worth an administrator's effort to study each of those roles and its applicable legal standards. By doing so, an administrator may avoid inadvertently depriving someone of his civil rights and may also avoid the embarrassment and expense of unnecessary litigation.

41. Nolte, M. Chester, editor. *School Communications: Duties and Dangers. A Legal Memorandum.* Washington, D.C.: National Association of Secondary School Principals, 1974. 8 pages. ED 089 463 MF $0.76 HC not available from EDRS. (Available from National Association of Secondary School Principals, 1904 Association Drive, Reston, Virginia 22091. $0.25, quantity discounts, payment must accompany orders of $10.00 or less.)

School administrators face increasing risks in the field of school communications.

While a school administrator acting in the line of duty and without malice is protected by conditional privilege against libel and slander, it is easy to step outside this protection and become liable for false or misleading statements. Knowing the results of the cases cited herein can hopefully prevent some wrong steps. Additionally, in recent years, a constitutional dimension has been added to the administrator's need to know more about the law of communications. The U.S. Supreme Court, in *Tinker* and subsequent cases, has held that neither teachers nor students shed their right to freedom of expression at the schoolhouse gate. What this new dimension will grow into is still open to conjecture.

42. Pedrini, Bonnie C., and Pedrini, D. T. *Simulated Case Study: Student Locker, Search and Seizure.* 1974. 20 pages. ED 091 847 MF $0.76 HC $1.58.

    The Fourth Amendment to the U.S. Constitution guarantees the right of people to be secure against unreasonable searches and seizures. The privacy of individuals, including students, is therefore protected, but only after considering the interests of society. This simulated case study explores what happens when there is an alleged conflict between student rights and society rights or between student rights and school rights. The report provides the circumstances of the case, a case analysis, summary, conclusions, and recommendations. The Nebraska statute concerning student discipline is appended.

43. Pennsylvania State Department of Education. *Guidelines for the Collection Maintenance and Dissemination of Pupil Records.* Harrisburg, Pennsylvania: Bureau of Instructional Support Services, 1974. 35 pages. ED number not yet assigned. MF $0.76 HC $1.95.

    School district policies concerning student records in Pennsylvania must be in conformity with these guidelines. The guidelines were established and adopted to ensure that the student's right to privacy is not invaded when information is gathered or released, to determine which officials can have access to a student's file and how much of the file shall be open for inspection, and to protect both the student and the school officials when information concerning the student is requested by schools, businesses, or other third parties. The final sections of the document include hypothetical cases provided as examples of concrete actions that might be taken by school personnel in accordance with the recommendations.

44. Phay, Robert E. *Suspension and Expulsion of Public School Students. ERIC/CEM-NOLPE Monograph Series on Student Control and Student Rights.* Topeka, Kansas; and Eugene: National Organization on Legal Problems of Education; and ERIC Clearinghouse on Educational Management, University of Oregon, 1971. 49 pages. ED 048 672 MF $0.76 HC $1.95.

    This monograph reviews and analyzes decisions dealing with suspension or expulsion of students by public school authorities. The report focuses on recent court cases that reaffirm, amplify, or extend entrenched constitutional and common law principles undergirding the public educational system in the United States. The author considers the traditional elements of procedural due process and concludes that to comply with

the minimum requirements of procedural due process administrators must (1) give the student adequate notice of the grounds of the charges and the nature of evidence against him, (2) conduct a hearing (unless the student waives it), and (3) take action only if it is warranted by the evidence. The author recommends that administrators develop written policies on student conduct, outline procedures for handling discipline cases, provide grievance procedures for students and faculty, and detail emergency plans to deal with school disorders.

45. Phay, Robert E., and Rogister, George T., Jr. *Searches of Students and the Fourth Amendment. School Law Bulletin, Volume 6, Number 1.* Chapel Hill: Institute of Government, University of North Carolina, 1975. 9 pages. ED 100 067 MF $0.76 HC $1.58.

    Although the federal courts have not yet decided any cases involving search and seizure of a student's property, various state courts have ruled that the Fourth Amendment protects students from "unreasonable" searches by school officials. However, the courts have generally applied a less stringent standard in justifying searches by school officials than in justifying searches by police. When school officials conduct a search of school premises or ask police to conduct a search to determine if a school regulation or criminal statute has been violated, only "reasonable suspicion" is required. If, however, a search conducted jointly by school officials and police is initiated by the police for the primary purpose of seeking evidence of a crime, the more stringent search and seizure standards applicable to criminal cases may apply. Whenever school officials conduct a search of a student's property, a witness and the student himself, if possible, should be present. Observance of these safeguards is important, since a search that is ruled unlawful may result in the inadmissibility of evidence in criminal or school proceedings and, possibly, a civil or criminal liability for school officials.

46. Philadelphia School District. *Student Bill of Rights and Responsibilities: Resource Book for Classroom Use.* 1971. 36 pages. ED 096 215 MF $0.76 HC $1.95.

    This publication includes lesson plans designed to help students and teachers explore students' rights and their corresponding responsibilities to others in the school and the community. Objectives are to demonstrate that an interrelationship exists between rights and responsibilities, that the freedom of expression inherent in the Student Bill of Rights and Responsibilities and the First Amendment to the U.S. Constitution is relative rather than absolute, and that freedom of expression is a primary concern of the student bill. Other aims are to explore the concept of due process, to examine student attitudes and values as they relate to disruptive incidents that occur in school, and to study the balance that must be maintained between the enforcement of law and respect for the dignity of the individual. The publication includes five lesson plans that outline objectives, instructional strategies, classroom activities, a glossary of constitutional cases, and the Student Bill of Rights and Responsibilities.

47. Reitman, Alan, and others. *Corporal Punishment in the Public Schools. The Use of Force in Controlling Student Behavior. ACLU Reports.* New York: American Civil Liberties

Union, 1972. 43 pages. ED 066 813 MF $0.76 HC $1.95. (Also available from American Civil Liberties Union, 22 East 40th Street, New York, New York 10016. $1.00.)

This report has been prepared to increase the general awareness of how serious a problem corporal punishment can be and also to contribute some possible corrective steps. The document consists of (1) a summary of the current situation, (2) specific civil liberties considerations, (3) harmful effects, (4) illustrative case reports, (5) recent court action, (6) state statutes, and (7) public attitudes.

48. Reutter, E. Edmund, Jr. *The Courts and Student Conduct. ERIC/CEM-NOLPE Monograph Series.* Topeka, Kansas; and Eugene: National Organization on Legal Problems of Education; and ERIC Clearinghouse on Educational Management, University of Oregon, 1975. 104 pages. ED 102 641 MF $0.76 HC $5.70. (Also available from National Organization on Legal Problems of Education, 825 Western Avenue, Topeka, Kansas 66606. $4.95.)

This monograph analyzes and summarizes judicial decisions relevant to the control of student conduct by school officials. It is an expansion and revision of a monograph published by the same author in 1970. Extensive revision of the earlier work was necessary because the number of appellate court decisions involving student conduct has grown rapidly in recent years as a result of increased reliance on the courts as the means to resolve conflicts between students and school authorities. The author first describes the general legal framework that applies to student discipline and then examines court decisions relevant to various specific areas of student conduct, including dress and appearance, insignias and emblems, publications, secret societies, and marriage and parenthood.

49. "The Rights of Children. Harvard Educational Review Reprint No. 9." *Harvard Education Review*, 43, 4 and 44, 1 (1973-74). 391 pages. ED 097 249 Document not available from EDRS. (Available from Harvard Educational Review, Longfellow Hall, 13 Appian Way, Cambridge, Massachusetts 02138. $12.00 hardcopy, $6.50 paper.)

This collection of articles describes the institutions, policies, and professionals that shape, curtail, and delineate children's lives. The basic premise underlying the discussion is that children are equal persons under the law with rights, as opposed to needs, which connote dependency. The collection is divided into three main parts dealing with the following topics: (1) children and the law and the philosophic justifications for the rights of children; (2) advocacy for children, considering the balance between the interest of the state, the family, and the child; and (3) various social agencies and the impact of their policies on children. Such policies deal with juvenile justice, foster care, child abuse, classification of students, amphetamines and children, radical correctional reform, and the mislabeling of children as mental retardates. Book reviews covering the history of children in America, child care, marriage, parenthood, family, and student rights complete the collection.

50. Robbins, Jerry H. *Students' Rights in Mississippi on Matters of Dress and Grooming.* Jackson, Mississippi: Governor's Office of Education and Training, 1973. 12 pages.

ED 084 635 MF $0.76 HC $1.58.

In the past few years numerous cases have appeared before the courts concerning the dress and grooming of students. In many of these cases, the issue has been related to male students' hair length. Throughout the nation, conflicting trends have emerged from a legal point of view, and the issues remain largely unresolved. This paper discusses the status of legislation on students' rights in matters of dress and grooming according to (1) Mississippi statutory law, (2) statutory law in five other states, (3) major cases in Mississippi courts, (4) the status of the case law on the subject elsewhere, and (5) model legislation that has been proposed, or recommendations for legislative action proposed by various agencies. The paper also provides recommendations developed on the basis of the material presented here.

51. Schofield, Dee. *Student Rights and Student Discipline. School Leadership Digest Series, Number 13. ERIC/CEM Research Analysis Series, Number 15.* Washington, D.C.; and Eugene, Oregon: National Association of Elementary School Principals; and ERIC Clearinghouse on Educational Management, University of Oregon, 1975. 32 pages. ED 105 546 MF $0.76 HC $1.95. (Also available from National Association of Elementary School Principals, 1801 North Moore Street, Arlington, Virginia 22209. Entire series of 13 reports available, $24 plus postage; single copy price, $2.50.)

This analysis of the research outlines the history of the conflict over student rights—a conflict that has its basis in American political and social philosophy. The author views the tension between those who favor the expansion of civil rights for students and those who advocate a return to discipline based on the in loco parentis doctrine as indicative of a wider conflict between the Puritan concept of authoritarianism and Jeffersonian democracy. The report surveys major areas of legal controversy, including suspension, expulsion, and due process; corporal punishment; freedom of speech; the press; assembly and religion; freedom from unreasonable search and seizure; and accessibility of student records. The author concludes that the area of student constitutional rights is not one that lends itself to easy solutions, and that the controversy will continue to plague the schools as long as the conflict in the society at large remains unresolved.

52. Shafer, John D. "Committee Report: Privileged Communications." Paper presented at American Personnel and Guidance Association convention, New Orleans, April 1974. Washington, D.C.: American School Counselor Association. 31 pages. ED 092 845 MF $0.76 HC $1.95.

The term "privileged communications" refers to information that belongs to the student, is shared with the counselor, and may be released only upon authorization by the student involved. This document seeks to identify states that have a stated communications privilege for school students and counselors. The report, which has complete information from 47 states, lists contact persons in each state where additional data can be obtained. Respondents were asked to provide information on existing statutes that relate to privileged communications, pending legislation, or legislation that did not pass a state legislature during past sessions. As a result of this report, the

American School Counselor Association's Governmental Relations Committee is preparing "How To" workshops that will show legislation leaders how to put a privileged communication's legislative package together.

53. Shannon, Thomas A. "The Attorney: A Member of the School Management Team?" Portions of a speech presented at Oregon Association of School Administrators summer conference, Eugene, Oregon, June 1973. *Oregon School Study Council Bulletin,* 17, 3 (October 1973). Eugene: Oregon School Study Council, University of Oregon. 19 pages. ED 082 366 MF $0.76 HC $1.58. (Also available from Oregon School Study Council, College of Education, University of Oregon, Eugene, Oregon 97403. $1.50.)

    The author examines the factors of school administration today that have buoyed the rise of the importance of attorneys as members of the school district "management team"; and he discusses the legal and social environment in which a school administration must function. In addition, the author discusses the impact of such environmental forces as the following: the increasing role of the courts in defining and protecting student rights; the expanded expectations of education; and the increased involvement of citizen groups in education.

54. Slavick, Carol A. "Coping with Teen-Age Parents." Paper presented at National School Boards Association annual convention, Miami Beach, Florida, April 1975. 26 pages. ED number not yet assigned. MF $0.76 HC $1.95.

    In 1968 the California Education Code section on physically handicapped minors was amended to include pregnant girls. This change was intended to give school districts the responsibility and the funds to develop special classes or schools for teenage pregnant girls. The special class makes it possible to provide more educational materials, equipment, and interdisciplinary services. Adolescent pregnancy requires the services not only of educators, but also of health, welfare, and social agencies. A major defense of the program is the fact that refusing the pregnant girl the opportunity to complete her education is more than a denial of the girl's rights—it also damages both the girl and society through increasing her chances of unemployment, underemployment, and, thus, welfare and dependency. This paper describes the program components and the implications of two programs operating in three districts on the San Francisco peninsula. Although operated differently, the goals and objectives of the two programs are similar. Their major goal is to provide each pregnant student with an opportunity to earn a high school diploma and with a marketable entry-level skill for postsecondary employment or further educational achievement.

55. Smith, Raymond C. "Discipline, Corporal Punishment, and Suspension." Paper presented at National School Boards Association annual convention, Miami Beach, Florida, April 1975. 16 pages. ED number not yet assigned. MF $0.76 HC not available from EDRS.

    During the past decade, and especially since 1970, there have been great changes in the manner in which students are disciplined. The greatest single influence has not

been the effort of enlightened educators or crusading boards of education; rather, change has taken place mainly as a result of decrees from our judicial system. A review of court litigation reveals that a student does not give up any of his rights when he enters the schoolhouse; that students are entitled to be heard and to receive due process; that when a student's rights are being protected, the school need not be afraid to act; and that continued judicial impact on education should be expected. The best way to minimize the role of the courts in education is to eliminate violations of law and individual rights. This can be done by reviewing district policies and practices, and by training administrators to use procedures that are both legally acceptable and administratively effective. As helpful as these administrative steps are, nothing helps avoid discipline problems as much as a good instructional program—especially one that is effective in helping those students who are furthest behind in reading and math.

56. South Dakota State Division of Elementary and Secondary Education. *Standards and Guidelines for Providing Due Process of Law to the South Dakota Student.* Pierre: 1974. 42 pages. ED 097 774 MF $0.76 HC $1.95.

    After a year's study, the South Dakota State Board of Education adopted a resolution defining the minimal standards for procedural due process guaranteed a public school student when he is suspended or expelled from school. Under the resolution the due process procedure adopted by each school district must consist of no less than the following minimum standards: (1) adequate notice of the charges, (2) reasonable opportunity to prepare for and meet the charges, (3) an orderly hearing adapted to the nature and circumstances of the situation, and (4) a fair and impartial decision. The report describes the historical and constitutional foundations of the concept of due process and provides guidelines for applying the concept.

57. Strahan, Richard Dobbs. *The Courts and the Schools. Professional Education Series.* Lincoln, Nebraska: Professional Educators Publications, 1973. 148 pages. ED 101 448 Document not available from EDRS. (Available from Professional Educators Publications, Inc., P.O. Box 80728, Lincoln, Nebraska 68501. $2.75.)

    This book is intended to provide preservice teachers with insights into many of the major legal problems associated with the operation of public schools. It attempts to convey a basic understanding of important court decisions and how they affect classroom practices. Separate chapters are devoted to discussion of the American legal tradition, governmental education policy, state and local concerns in educational policy, local management of schools, school administration, legal problems of teachers, students' rights, school finance, teacher liability, and professional negotiations.

58. Supreme Court of the United States. *Supreme Court of the United States: Goss et al. v. Lopez et al. Appeal from the United States District Court for the Southern District of Ohio. No. 73-898. Argued October 16, 1974—Decided January 22, 1975.* Washington, D.C.: 1975. 37 pages. ED 100 020 MF $0.76 HC $1.95.

    On January 22, 1975, the Supreme Court decided that students facing temporary suspension from a public school have property and liberty interests that qualify for

protection under the due-process clause of the Fourteenth Amendment. Having chosen to extend the right to an education to students, the state may not, without due process, withdraw that right on grounds of misconduct. Further, due process requires, in connection with a suspension up to ten days, that the student be given oral or written notice of the charges against him. If he denies the charges, the student is due an explanation of the evidence the authorities have, and he must be given an opportunity to present his version of the case.

59. Supreme Court of the United States. *Supreme Court of the United States: Wood et al. v. Strickland et al. Certiorari to the United States Court of Appeals for the Eighth Circuit. No. 73-1285. Argued October 16, 1974—Decided February 25, 1975.* Washington, D.C.: 1975. 27 pages. ED 101 464 MF $0.76 HC $1.95.

    Three Arkansas high school students were expelled for violating a school regulation prohibiting intoxicating beverages at school activities. The students brought suit in U.S. District Court claiming violation of their rights to due process. The district court directed verdicts for the school board on the ground that school officials are immune from damage suits except in cases of proved malice or ill will. The court of appeals reversed the district court ruling on the ground that the school board had not acted in good faith, since there was no evidence that the regulation had actually been violated. Although the students admitted spiking punch with malt liquor, there was no evidence that the alcoholic content of the punch met the Arkansas definition of an intoxicating beverage. The Supreme Court agreed with the court of appeals that school officials are immune only if they act in good faith and with proper regard for students' constitutional rights. However, the Court also found that the school regulation forbidding intoxicating beverages did not hinge on the percentage of alcoholic content and that there was ample evidence that the students had knowingly violated the regulations. The judgment of the court of appeals was therefore vacated, and the case remanded for consideration of possible procedural violations of the students' rights to due process.

60. Trager, Robert. *Student Press Rights: Struggles in Scholastic Journalism.* Urbana, Illinois; and La Crosse, Wisconsin: ERIC Clearinghouse on Reading and Communication Skills; and Journalism Education Association, 1974. 94 pages. ED 096 691 MF $0.76 HC $4.43. (Also available from Journalism Education Association Publications, 912 Market Street, La Crosse, Wisconsin 54601. $3.95 nonmember, $2.95 member.)

    The purpose of this monograph is to acquaint administrators, faculty advisers to student newspapers, teachers, and students with the court cases and decisions concerning student publications and underground newspapers. The importance of free expression for high school students is stressed. Chapters discuss the impact of the First Amendment on the student press; the effect of the *Tinker* decision in establishing the point at which student expression may be curtailed if school officials forecast a disruption of educational activities; the powers of administrators in dealing with student expression, and cases concerned with the advertising and sale of student publications; the reinstatement of students following litigation; and the role of the publications adviser.

61. Wedlock, Eldon D. "Pupils." Chapter 5 in *The Yearbook of School Law 1974,* edited by Floyd G. Delon, pp. 128-173. Topeka, Kansas: National Organization on Legal Problems of Education, 1974. 46 pages. ED 100 014 Document not available from EDRS. (Complete document available from National Organization on Legal Problems of Education, 825 Western Avenue, Topeka, Kansas 66606. 264 pages. $9.95.)

Court cases regarding students' rights are little changed from previous years. The majority of the litigation relates either to clarification of existing law or to suits alleging illegal actions by school administrators and teachers. The issues of corporal punishment and freedom of expression appear to be somewhat settled. The rights of mentally retarded and handicapped children have grown as an area for court litigation. The primary changes in law have not occurred in the courts so much as in the minds and attitudes of educators and students. Litigation has decreased in areas such as corporal punishment because pupils and teachers are more aware of the law, know its bounds, and, in general, attempt to comply with it. This chapter reviews and discusses court cases relating to mentally retarded, handicapped, and other exceptional children; athletic and activity associations; married students; tuition; student placement; religious beliefs; curricular matters; student conduct; and desegregation.

62. Williams, Junious, and Vergon, Charles B. *Student Rights and Responsibilities. A Legal-Educational Bibliography.* Ann Arbor: Program for Educational Opportunity, University of Michigan, 1974. 148 pages. ED 100 059 MF $0.76 HC $6.97.

To foster increased knowledge of student rights and responsibilities among school personnel and students and to develop understanding that will contribute to the realization of equal educational opportunity for all students, this bibliography presents a representative sampling of legal, educational, and general education materials. Its 22 major categories include due process, corporal punishment, compulsory attendance, special education, student records, police in schools, searches, pregnant students, married students, tracking, free education, publication and distribution of literature, symbolic expression, dress and grooming, student demonstrations, religious and patriotic gestures, freedom of association, freedom of speech, academic freedom, arbitrary rules, discrimination in extracurricular activities, outside speakers, visitors, and use of school facilities.

63. Younger, Avelle J. "The Control of Student Behavior." Chapter 4 in *Current Trends in School Law.* (Papers presented at NOLPE annual meeting, San Francisco, November 1973.) Topeka, Kansas: National Organization on Legal Problems of Education, 1974. 7 pages. ED 090 620 Document not available from EDRS. (Complete document available from National Organization on Legal Problems of Education, 825 Western Avenue, Topeka, Kansas 66606. 309 pages. $4.95.)

The era of massive student disorders seems finally to have ended; but, in its wake, it has left profound changes that affect the relationship between the student and the law. One immediate consequence of these changes is a new, expanded view of student civil rights, particularly those rights at the high school level that did not exist a decade ago. A second consequence is the general order on the campus, which has produced a

breathing spell during which some of the underlying causes of student violence can be addressed. In spite of the relative calm, administrators are concerned about the upsurge in vandalism and gang violence. Some positive programs are combatting these violence problems. However, the need is recognized for changes in existing laws that will give administrators and peace officers more powers to respond to the manifestations of violence.

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